SENATE No. 2136 [LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND IN THE CITY OF SOMERVILLE TO THE SOMERVILLE HOUSING AUTHORITY.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia D. Jehlen	Second Middlesex
Carl M. Sciortino, Jr.	34th Middlesex
Denise Provost	27th Middlesex
Timothy J. Toomey, Jr.	26th Middlesex
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Joseph Curtatone	Somerville Mayor
Bruce M. Desmond	Alderman
William A. White, Jr.	Alderman
Rebekah L. Gewirtz	Alderman
William Roche	Alderman
Sean T. O'Donovan	Alderman
Maryann M. Heuston	Alderman
Thomas F. Taylor	Alderman
Dennis M. Sullivan	Alderman
Robert C. Trane	Alderman
John M. Connolly	Alderman

Alderman

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND IN THE CITY OF SOMERVILLE TO THE SOMERVILLE HOUSING AUTHORITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The commissioner of capital asset management and maintenance, in 1 2 consultation with the department of conservation and recreation, notwithstanding Sections 40E 3 to 40J, inclusive, of Chapter 7 of the General Laws, may convey by deed approved as to form 4 by the inspector general, to the Somerville housing authority, a political subdivision of the 5 Commonwealth of Massachusetts, a certain parcel of land located at 485 Mystic Valley Parkway a/k/a 149 Capen Street in the city of Somerville and consisting of approximately 1.39 6 acres together with approximately 25,000 gross square feet of building space and associated 7 8 infrastructure, most recently used as a waterworks system pursuant to the Chapter 372 of the Acts of 1984. This parcel's approximate location is shown on a plan entitled "Easement Plan of 9 10 Land, Capen Court Senior Housing, 1 Capen Court, Plan of Land in Somerville, Massachusetts" prepared by Design Consultants, Inc. dated January 16, 2008, which plan is on 11 file with the commissioner of capital asset management and maintenance. The exact boundaries 12

of the property shall be determined by the commissioner, based on a survey. The deed shall

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contain an acknowledgement that Mystic Valley Parkway and Alewife Brook Parkway are parkways which have been designated and restricted to "pleasure vehicles only" by the department of conservation and recreation and that the use of Mystic Valley Parkway and Alewife Brook Parkway is subject to the generally applicable regulations for such parkways of the department of conservation and recreation, as such regulations may be amended from time to time.

The conveyance of the parcel described in this section shall reserve non-exclusive permanent volumetric easements for the benefit of the commonwealth and the Massachusetts water resources authority for a thirty (30) inch water main and a sixty (60) inch water main currently existing on the parcel, such easements to be shown on plans to be approved by the commissioner. The easements may be used to access, maintain, repair and reconstruct the existing water lines and any related equipment currently held by the Massachusetts water resources authority existing within the reserved permanent volumetric easements. The easements shall be thirty-five (35) feet in width, measuring a distance of at least fifteen (15) feet on either side of the existing pipeline and shall extend the full length of the pipeline on the parcel. The easements shall be non-exclusive; however, unless the written consent of the Massachusetts water resources authority shall have been obtained, no buildings or structures shall be erected or maintained in or upon any part of the easements nor shall any trees or shrubs be planted Subject to the prior review and approval of the Massachusetts water resources authority, the easement and pipeline may be relocated at the sole expense of the fee owner.

SECTION 2. The purchaser of the parcel conveyed pursuant to section 1 shall pay consideration of one dollar (\$1.00). In addition, the consideration for the conveyance of the parcel shall be the undertaking to complete and operate, *inter alia*, affordable senior housing on

the parcel under certain use restriction and regulatory agreements to be entered into in connection with the affordable housing subsidies granted with respect to the parcel.

SECTION 3. The commissioner of capital asset management and maintenance, 30 days before the execution of any deed authorized by this act or any subsequent amendment thereof, shall submit the deed or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any deed or amendment. The commissioner shall submit the deed and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets at least 15 days before the execution of the deed.

SECTION 4. The purchaser shall be responsible for all costs associated with the conveyance authorized by this act, including, but not limited to, any appraisal, survey, recording or legal costs, and any other expenses incurred by the commonwealth in connection with the conveyance, and shall be responsible for all costs, liabilities and expenses of any nature and kind for its ownership and use.